

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

**SUSIE BRAWHAW, BY AND THROUGH
MAGNOLIA HAYS, NEXT FRIEND, FOR
THE USE AND BENEFIT OF SUSIE BRAWHAW,**

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:06CV194-P-B

MARINER HEALTH CARE, INC., ET AL.,

DEFENDANT.

ORDER

This matter comes before the court upon Defendants' objection to and motion to strike plaintiff's trial designation of the testimony of Robert Solinger [155]. After due consideration of the motion, the court finds as follows, to-wit:

The defendants filed the instant motion on July 21, 2008. On July 24, 2008, the plaintiff filed an Amended Trial Designation of The Testimony of Robert Solinger, wherein the plaintiff designates specific portions of the subject deposition that she intends to use at trial. Since the defendants' motion is premised upon the plaintiff's prior designation of the entire deposition, the motion is now moot. If the defendants object to any of the amended deposition designations, they shall move to strike sometime during trial.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendants' objection to and motion to strike plaintiff's trial designation of the testimony of Robert Solinger [155] is **DENIED**.

SO ORDERED this the 25th day of July, A.D., 2008.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE